

IASIR MODEL SECURITY SYSTEMS LICENSING ACT

INTRODUCTION

The attached International Association of Security & Investigative Regulators Model (IASIR) Security Systems Licensing Act is intended for use in implementing laws with the primary purpose to promote professionalism of security systems companies, to maintain the operational reliability and proper use of physical and electronic security systems and to ensure a minimum level of training.

PLEASE NOTE: This model is intended to serve as a **BASE FRAMEWORK**. It is important that the model be reviewed carefully before releasing it to any government authorities or legislators. Try to discuss the document fully with your local or state burglar and fire alarm or locksmith association's Legislative Committee and/or Advisory Board to identify any potential problems or special considerations which might be necessary to address in your locale. Ultimately, you may decide to suggest that this model be adopted in its entirety, but **please do not make a blanket recommendation to endorse the model act without studying it very carefully.**

The Model Law is designed to **license** a **Security Systems Company**, and to **register** each employee for their particular area of expertise. Any employee may have as many registrations as needed, depending on the type of work they perform. However, this Model Law is also written in such a way that you may revise it to only license a company, or only register (or license) the employees without having to do both. Use whichever works best for ensuring its passage.

In summary, IASIR's objective is to provide a model law to serve as a *working draft*, subject to changing times, by which security system companies and state governments can work together to serve the public for a safer environment.

IASIR wishes to acknowledge the contribution of the National Burglar & Fire Alarm Association and the Associated Locksmiths of America, Inc. to the drafting of this model act.

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An Act

BE IT ENACTED by the Senate and Assembly of the State of _____:

SECTION 1. Purpose

A. The purpose of this law is to provide appropriate regulation of Security System Companies and Employees for the protection of consumers and the public safety of citizens, to maintain the operational reliability and proper use of Security Systems and to ensure a minimum level of training designed to reduce or eliminate false alarm dispatch requests.

B. This law provides for the licensing of security system companies and the registration of their employees.

SECTION 2. Definitions.

As used in this Act:

A. **Access Control System** means a combination of electronic equipment and devices designed and arranged for the control of authorized individuals, vehicles and materials through entrances and exits of a controlled area or premises, which do not emit transmissions requiring public sector response.

B. **Advisory Board** means the State Advisory Board of Security Systems established pursuant to this Act.

C. **Agency** means the Security Systems Regulatory Agency.

D. **Burglar Alarm System** means an assembly of equipment and devices designed and arranged to signal an unauthorized entry or attempted entry of a person or an object into the area covered by the system.

E. **Certified Instructor** means an individual who has met the requirements of this Act to teach.

F. **Closed Circuit Television** is an in-house television system in which a transmitter (camera) feeds one or more receivers (monitors) through a closed cable or other transmission method.

G. **Compliance Agent** means an individual employed by an Security Systems Company who is responsible for that Company's compliance with this Act.

H. **Director** means the Director of the Security Systems Regulatory Agency.

I. **Fire Alarm System** means an assembly of equipment and devices designed and arranged to signal a fire.

J. **Locksmith Services** means servicing or installing; repairing, rebuilding, rekeying, repinning, adjusting or installing locks, mechanical or electronic security devices, annunciation devices not designed to require a response by law enforcement or opening a lock by a means other than those intended by the manufacturer of such devices.

K. **Monitoring** means the retransmission of information received from Security Systems to the proper individual as required by law or as determined by the Security Systems User.

L. **Operator** means an individual registered to perform alarm operator/dispatcher/monitor functions of Security Systems.

M. **Person** means an individual, corporation, partnership, association, organization or similar entity.

N. **Salesperson** means an individual registered to perform sales, lease or rental of Security Systems at the premises of the Security System User.

O. **Security System** means an assembly of electronic equipment and devices that provides as its main purpose the protection of life or property, and the detection of threats or violations to the security of the protected premises. The systems functions include, solely or in combination: burglary detection, fire detection, locksmith services, access control and/or closed circuit television.

P. **Security System Company** means an individual, corporation, partnership, association, organization or similar entity that provides one or more of the following services for Security Systems: sales, installation, repair, monitoring and/or alarm investigation.

Q. **Security System Personnel** means an individual(s) who is employed by a Security System Company.

R. **Security System Site** means a single premises or location served by a Security System. Each tenancy, if served by separate Security Systems in a multi-tenant building or complex shall be considered a separate Security System Site.

S. **Supervised Employees** are locksmiths, technicians, salespeople, operators or alarm investigators who will be supervised by an individual certified in that category for up to one year after the date of their initial employment.

T. **Technician** means an individual registered to perform installation and repair of Security Systems.

U. **User** means an individual, corporation, partnership, association, organization or similar entity who uses a Security System at a Security System Site.

SECTION 3. Creation of State Advisory Board on Security Systems.

A. There is established within the Security Systems Regulatory Agency a State Advisory Board on Security Systems consisting of individuals who shall be appointed by the Governor.

B. When selecting the membership of the Advisory Board one ex-officio voting representative of the state fire marshal, one ex-officio voting representative of the state police and seven (7) voting representatives registered pursuant to this Act who have at least five (5) years experience in the security systems industry. No two voting representatives may be employed by the same Security Systems Company.

C. The term of each Advisory Board member shall be four (4) years; except for the first members appointed, two (2) shall serve two (2) years, two (2) shall serve three (3) years, and three (3) shall serve four (4) years. No person may be appointed for more than two (2) consecutive four (4) year terms.

D. The members of the Advisory Board shall not be compensated, but shall be reimbursed for actual expenses reasonably incurred in the performance of their duties.

SECTION 4. Powers and Duties of the State Advisory Board on Security Systems

A. The Director, with the advice of the Advisory Board, shall promulgate rules and regulations pursuant to the "Administrative Procedures Act" of this State. However, no rule or regulation shall be adopted that unreasonably restricts competition or the availability of services requiring Licenses pursuant to this Act or unnecessarily increases the cost of such services without a corresponding or equivalent benefit.

B The Director, with the advice of the Advisory Board, shall in addition to the duties specified elsewhere in this Act, approve any regulations or procedures established to implement this Act: including but not limited to: creating and implementing procedures to conduct employee background checks and process applications; establishing and implementing standards and rules for the operation of Security Systems Companies; setting and enforcing requirements for registrants, including initial and continuing education; establishing standards and rules for the operation of Schools and Instructors; setting requirements and responsibilities of the Compliance Agent; collecting information and maintaining, a registry of all Security System Personnel and applicants for Registration Permits and of all Licenses and applicants for Licenses; hearing appeals from the Director's actions and establishing fees.

C. The Director, with the advice of the Advisory Board, and shall issue rules stating the crimes which relate to the performance of holding a License or Registration Permit (including dishonesty and corruption) and which will disqualify a person under this Act from holding a Registration Permit or disqualify an applicant for a License.

D. The Director, with the advice of the Advisory Board, shall have the power to enforce the provisions of the Act, irrespective of the place or location in which the violation occurred, and upon the complaint of any Person or on the Director's own initiative, to cause to be investigated, the business and business methods of any licensed or unlicensed Person or any registered or unregistered Person, employee or applicant for a License or Registration Permit under this Act.

E. In the exercise of the enforcement responsibility and in the conduct of any investigation authorized by this Act, the Director with the advice of the Advisory Board, shall have the power to subpoena and bring before the Agency any Person in the State, require the production of any papers it deems necessary, administer oaths and take depositions of any individuals so subpoenaed.

SECTION 5. Creation of the State Security Systems Regulatory Agency.

A. There is hereby established the Security Systems Regulatory Agency within the Department of _____, to be administered by a Director, who shall be an employee of the State. The Director and his staff shall carry out the duties specified pursuant to this Act.

B. The Director is authorized and directed to employ field investigators and administrative staff to assist in the enforcement of this Act.

C. The Director, with the advice of the Advisory Board, shall file an annual report with the Governor and/or Legislature detailing the cost of administering the Act, the effectiveness of the Act in protecting the public interest, the length of time it takes to conduct criminal background checks, the type and number of Licenses and Registrations Permits issued, enforcement information and any other information that the Director and Advisory Board wish to convey.

D. The Director is authorized to receive the record check information directly from the U.S. Department of Justice.

E. The Director, acting within the guidelines established by the Advisory Board, shall have the power, upon notice and opportunity for a hearing and appeal, to take disciplinary action against any licensee, registrant, or any unlicensed Person or unregistered Person engaged in activities regulated by this Act who violates, or causes to be violated, any provision of this Act.

SECTION 6. License Required to Conduct Business.

A. No individual, corporation, partnership, association, organization or similar entity may operate a Security Systems Company in this State without having first obtained from the Director a License to conduct such business as provided by this Act.

B. Any individual, corporation, partnership, association, organization or similar entity doing business as defined by this Act as a Security System Company in multiple locations within this State shall require only one License which lists each of its offices located in this State. The Director shall grant Security Systems Companies that are Licensed a Branch Office Certificate for each branch, which will be displayed at the branch office, upon payment of an appropriate fee.

C. Operating a Security Systems Company without a license shall be subject to a fine as established by rule.

SECTION 7. Exemptions.

A. Engineers and architects properly licensed by the state are exempt from the registration and licensing requirements of this act for the purposes of designing or planning systems.

B. Individuals, corporations, partnerships, associations, organizations or similar entities servicing or installing; repairing, rebuilding, rekeying, repinning, adjusting or installing locks in or on safes or vaults.

C. Individuals, corporations, partnerships, associations, organizations or similar entities licensed by the state electrical board can install conduit and or wire for a system if they do not connect any devices or have access to plans or designs for the complete system.

SECTION 8. Registration Required.

A. No individual shall sell, lease, rent, design, plan, install, monitor, maintain, repair, test or inspect a Security System without having first obtained the appropriate Registration Permits as a technician, salesperson or operator in one or more of the following specialties, Access Control System, Burglar Alarm, Closed Circuit Television, Commercial Fire Alarm, Monitoring and/or Locksmith.

B. An individual Security Systems applicant may apply for as many classes of registration as he or she is qualified to hold. The Director shall take appropriate steps to facilitate applications and registration for multiple class registrations.

C. Any employee of a Security Systems Company who is not registered by this Act but who has access to information in the ordinary course of his or her employment which would allow that individual to circumvent Security Systems must meet the background check requirements of this Act.

SECTION 9. Registration Requirements.

A. The Advisory Board shall establish application procedures and overall requirements including training requirements based on measurable objectives with testing to assure proficiency for each of the following specialties (Supervised Employee registrants need not meet the training requirements): Access Control Systems Technician, Burglar Alarm and Fire Alarm Operator, Burglar Alarm Systems Technician, Closed Circuit Television Technician, Commercial Fire Alarm Technician, Locksmith, Security Systems Salesperson, Compliance Agent.

B. Security Systems Personnel need not fulfill the pre-assignment training requirement of this Act if the employee, within twenty-four (24) months after the effective date of this Act, provides proof to the Director that the employee previously has met the training requirements of this Act or has been employed as a Security Systems Personnel for at least twelve consecutive months immediately prior to the effective date of this Act.

SECTION 10. Recognition of Out-of-State Permits.

A. The Advisory Board shall adopt rules which require the Director to grant Licenses and Registration Permits to applicants who are registered or licensed in other states provided that the registration or licensing requirements in the other State are approximately equal, in substance and intent in the reasonable opinion of the Advisory Board, to those required by this Act.

1. If all of the requirements are approximately equal the director shall issue a license or registration to applicants who complete an application and pay an appropriate fee.

2. If specific requirements are approximately equal in whole or in part the director shall issue a license or registration to applicants who complete an application, pay an appropriate fee and meet the remaining requirements or portions of the requirements to the satisfaction of the Director.

B. An out-of state Burglar Alarm System Company or Fire Alarm System Company is not required to have an office or Compliance Agent resident in the state. If the Compliance Agent is out-of-state, the appropriate representative at the physical address in the state will be responsible for forwarding notices to the Security System Company Compliance Agent. A post office box is not a physical address.

C. The Advisory Board shall adopt a list of states that have requirements acceptable to satisfy the requirements set forth in this law for an out-of-state Security System Company and out-of-state Security System Company Compliance Agent. An out-of-state Security System Company and out-of-state Security System Company Alarm Systems Compliance Agent that maintains a license in a listed state, completes an application for licensure and pays the appropriate fee shall be permitted to perform Monitoring.

D. The Advisory Board shall exempt each out-of-state Security System Company Operator employed by Security System Company in listed states.

SECTION 11. Preemption.

A. The provisions of this Act relating to the licensing for regulatory purposes of Security System Companies and the registration for regulatory purposes of Security Systems Personnel are exclusive to the State. No governmental subdivision or municipality, including home rule units, of this State may enact any law, rule or ordinance for regulatory purposes on such businesses or person except as provided in this Section.

B. This Act in no way restricts this State's political subdivisions from enacting ordinances designed to prevent false alarm dispatches by establishing regulatory schemes that require issuing of permits to Security System Users and/or Security System User Penalties for excessive false alarm dispatches or from levying a business license fee, business or occupation tax, or other tax upon Security Systems Companies provided that such fees or taxes are levied on all other types of businesses within its boundaries and are based on the physical presence of the business (the presence of customers within the subdivision notwithstanding) or from licensing or regulating a licensee or registrant under this Act with respect to activities performed or offered that are not of security nature.

SECTION 12. Effective Date.

This Act will be effective _____.